

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

MICHAEL VINCENT JOHNSON,

Petitioner,

Case No. 3:23-cv-251

vs.

WARDEN, Lebanon Correctional
Institution,

District Judge Michael J. Newman
Magistrate Judge Kimberly A. Jolson

Respondent.

**ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE (Doc. No. 8); (2) DISMISSING WITH PREJUDICE THE
PETITION FOR A WRIT OF HABEAS CORPUS (Doc. No. 1); (3) DENYING ANY
REQUESTED CERTIFICATE OF APPEALABILITY AND CERTIFYING THAT AN
APPEAL OF THIS ORDER WOULD BE OBJECTIVELY FRIVOLOUS; (4) AND
TERMINATING THIS CASE ON THE DOCKET**

The Court has reviewed the Report and Recommendation of Magistrate Judge Kimberly A. Jolson (Doc. No. 8) to whom this case was referred pursuant to 28 U.S.C. § 636(b). Petitioner has not filed objections to the Report and Recommendation and the time for doing so under Fed. R. Civ. P. 72(b) has expired. Upon careful review of the foregoing, the Court determines that the Report and Recommendation should be **ADOPTED**. Accordingly, the petition is **DISMISSED WITH PREJUDICE** as barred by procedural default. Petitioner is **DENIED** any requested certificate of appealability, and the Court hereby **CERTIFIES** to the United States Court of Appeals for the Sixth Circuit that an appeal of this Order would be objectively frivolous and, therefore, Petitioner should not be permitted to proceed *in forma pauperis*.

IT IS SO ORDERED.

July 15, 2024

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge